

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket # 98-AP-10

**The proposed annexation of territory
in Milan Township to the City of Milan.**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter of the proposed annexation, consisting of the following territory in Milan Township, into the City of Milan, is described as follows:

Land in the Township of Milan, Monroe County, Michigan described as that part of the South half of the Southeast quarter of Section 2, Town 5 South, Range 6 East, described as commencing on the South line of Section 2, at a point located 412.17 feet North 89°00'44" West from the Southeast corner of Section 2, and running thence North 89°00'44" West, along the South line of Section 2, a distance of 1239.56 feet; thence North 00°00'45" West, 1322.89 feet to the South line of the North ½ of the SE ¼ of said Section at the Southwest corner of Lot 84 of Assessor's Plant of the Village of Milan, according to the plat thereof, as recorded in Liber 7 of Plats, Page 48 to 50 inclusive, Monroe County Records; thence South 88°56'51" East (Recorded as S 88°56'31" E), along South line of the North ½ of the SE ¼ of said Section, this line also being the corporate limits between the City of Milan and Milan Township and South line of Assessor's Plat of the Village of Milan, 736.93 feet to the center line of Allen Road; thence South 51°33'00" East, along said center line, 45.13 feet; thence South 58°21'30" East, along said center line, 552.59 feet to the East line of the West 40 acres of the East 65 acres of the Southeast ¼ of Section 2; thence South 00°10'00" West, along the East line of the West 40 acres of the East 65 acres, 1012.76 feet to the place of beginning.

SUMMARY OF PROCEEDINGS

On October 19, 1998, a petition, designated Docket #98-AP-10, was filed by Jerry Vanhavel and Jeffrey Vanhavel asking for the annexation of certain territory in Milan Township to the City of Milan.

On February 11, 1999, an adjudicative meeting of the State Boundary Commission was held in Okemos to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.

On April 29, 1999, a public hearing was held in the City of Milan to receive testimony given pursuant to Public Act 191 of 1968, as amended.

On September 9, 1999, at an adjudicative meeting held in Okemos, State Boundary Commissioners Walker and VerBurg and Monroe County Boundary Commissioner Norwood voted to postpone adjudication of this petition until the March 9, 2000 State Boundary Commission meeting.

The March 9, 2000 State Boundary Commission meeting was cancelled and on April 13, 2000, at an adjudicative meeting held in Okemos, State Boundary Commissioners Rutledge and Walker and Monroe County Boundary Commissioners Straub and Norwood voted to postpone adjudication of this petition until the July 13, 2000 State Boundary Commission meeting.

On July 13, 2000, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, Rutledge, and Walker and Monroe County Boundary Commissioner Straub voted in favor of a motion to recommend that the Director of the Department of Consumer & Industry Services approve the petition.

On August 10, 2000, at an adjudicative meeting in Lansing, State Boundary Commissioners Rutledge and Walker, and Monroe County Boundary Commissioner Norwood approved the draft Findings of Fact and Conclusions of Law and voted to recommend that the Director of the Department of Consumer and Industry Services sign the attached Order approving the annexation petition and adopting the Findings of Fact and Conclusions of Law.

However, the Commission also voted to attach the July 5, 2000 Public Act 425 Agreement for the Conditional Transfer of Property between the City of Milan and Milan Township and to recommend that the Director of the Department of Consumer and Industry Services review the attached Act 425 Agreement when considering the recommendation of the State Boundary Commission.

INFORMATION FROM THE RECORD

1. The owners of the property petitioned for annexation for the purpose of securing public sanitary sewer service, public water, police and other services from the City of Milan to service the residential development of their property.
2. Public sanitary sewer and public water services are not available through Milan Township.
3. The City of Milan sanitary sewer system is currently operating at 79% of capacity and an expansion of the system is planned.

4. The City of Milan public water system is currently at 50% of capacity and an expansion of the system is planned.
5. The City of Milan and Milan Township have attempted to negotiate an Act 425 Agreement that would provide City of Milan public sanitary sewer and public water services for the subject property.
6. The Township testified that if the subject property were annexed, surrounding areas would be annexed in the future and further limit the financial resources of Township.
7. The City of Milan's millage rate is 17.9859 and Milan Township's millage rate is 2.9238.

FINDINGS OF FACT

1. Land uses, population statistics, the past and probable future urban growth of the community, including commercial and industrial development, indicate a need for additional housing opportunities.
2. The probable future needs for organized community services in the area petitioned for annexation include public water, public sanitary sewer, fire and police protection and other urban type services.
3. Comparative data for the City of Milan and Milan Township show the probable effect of the proposed annexation on the remaining portion of the Township would be minimal.
4. The topography, natural boundaries and drainage basins of the area proposed for annexation do not preclude residential development of the property.
5. The proposed annexation will not have a deleterious effect on the broader community.
6. The City of Milan has the ability and the capacity to provide public water and sanitary sewer service to the subject area and Milan Township does not.
7. The increase in taxes for the area to be annexed is reasonable for the increase in services.

CONCLUSIONS OF LAW

The record of this docket, in accordance with the criteria stipulated under Section 9 of the Public Act 191 of 1968, as amended, supports the Commission's recommendation that the Director of the Department of Consumer and Industry Services sign the attached Order approving the annexation petition and adopting the Findings of Fact and Conclusions of Law.

David K. Rutledge

David Rutledge, Acting Chairperson
State Boundary Commission

8/15/00
Date

In the matter of:

Boundary Commission
Docket #98-AP-10

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Milan Township to the City of Milan.

FINAL ORDER

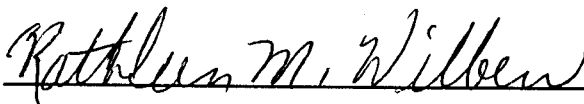
WHEREAS, territory described in the petition designated Docket #98-AP-10 has been transferred to the City of Milan pursuant to a contract under Public Act 425 of 1984 which satisfies all the requirements under Section 7 of the act **and**

WHEREAS, Public Act 425 of 1984 provides that while a contract is in effect, another method of annexation or transfer shall not take place for any portion of an area transferred under the contract;

IT IS THEREFORE ORDERED THAT the the annexation of the described subject territory in Milan Township, Monroe County, be denied.

IT IS FURTHER ORDERED THAT the attached Findings of Fact and Conclusions of Law and this Order shall be effective thirty days after the Director of the Department of Consumer and Industry Services signs the Order.

IT IS FURTHER ORDERED THAT the State Boundary Commission shall transmit a certified copy of this Order and the attached Findings of Fact and Conclusions of Law to the petitioner and to the clerks of the City of Milan, Milan Township, and Monroe County and to the Secretary of State.



Kathleen M. Wilbur, Director
Michigan Department of Consumer and Industry Services



Date